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USDA Agricultural Marketing Service Docket Number TM-04-07 concerning 7 CFR Part 205
National Organic Program Sunset Review Process

Submitted by WhiteWave Foods
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WhiteWave Foods and our brands Horizon Organic, SILK, and TofuTown would like to thank the people at the United States Department of Agriculture's Agricultural Marketing Service for the effort they have put forth in the creation of this advanced notice of proposed rulemaking.

We understand that the Organic Foods Production Act of 1990 (OFPA) requires synthetic and non-synthetic substances in organic production and handling be reviewed every five years. We appreciate the publishing of this advance notice of proposed rulemaking (ANPR), making the public aware of the OFPA requirement and allowing for public dialogue. WhiteWave Foods believes that public comment is a crucial process in determining whether these substances should continue to be allowed or prohibited in the production and handling of organic agricultural products. Input from those producing the organic products embraced by consumers must be taken into account by the National Organic Standards Board (NOSB) and the USDA in their deliberations.

The National List is the product of painstaking research and full public deliberation by a qualified Board of educated individuals and impassioned public commenters. The Sunset document as presented by Materials Committee Chair Rose Koenig at the October 2004 NOSB meeting stated: *When original recommendations were made for materials to be added to the National List, recommendations were based on TAP analyses, public input during Board meetings, and public input provided to the Secretary during rulemaking. Exemptions were accepted because the evidence available to the NOSB at the time of review demonstrated that the substances were found not harmful to human health or the environment; the substances were necessary because of the unavailability of wholly nonsynthetic alternatives; and the substances were consistent and compatible with organic practices.* Based on this NOSB position, WhiteWave Foods generally supports the readoption of the entire National List as published. However, we recognize that some particular materials may warrant a close review and industry dialogue. For example, the inclusion of cornstarch on 205.606 is no longer necessary. A casual search of the internet reveals a number of companies supplying USDA certified organic corn starch. With the NOSB April 2004 recommendation to add moxidectin to the livestock section of the National List, ivermectin will no longer be necessary and could sunset (the NOSB has found moxidectin to have less adverse impact on the environment). We look forward to more specific comments in the future on other items of interest.